

## **Appendix J: Local Conservation Ordinances**

- Ordinance 2080, Water Conservation Program
- Resolution 7657, Declaring a Drought Emergency

## ORDINANCE NO. 2080

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE ADDING CHAPTER 8.60 TO TITLE 8 HEALTH AND SAFETY OF THE HAWTHORNE MUNICIPAL CODE ADOPTING A WATER CONSERVATION PROGRAM

**WHEREAS**, article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

**WHEREAS**, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

**WHEREAS**, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

**WHEREAS**, California Water Code sections 375 et seq. empower any public entity which supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

**WHEREAS**, Water Code section 375, subdivision (c) defines "public entity" to include a city, county, special district, water authority, or any other municipal public corporation or district; and

**WHEREAS**, pursuant to Water Code section 376 and Government Code 6061, the City of Hawthorne must publish in a newspaper of general circulation any ordinance or resolution adopting a water conservation program within 10 days after its adoption; and

**WHEREAS**, Water Code section 377 establishes that, from the publication of an ordinance or resolution pursuant to section 376 until the repeal of the ordinance or end of the emergency, it is a misdemeanor punishable by up to 30 days in county jail and/or a fine of up to \$500 for any person to violate a requirement of the water conservation program; and

**WHEREAS**, the adoption and enforcement of a comprehensive water conservation program will allow the City of Hawthorne to delay or avoid declaring a water shortage emergency pursuant to Water Code section 350; and

**WHEREAS**, after Ordinance is adopted, the City Council may thereafter adopt a resolution proclaiming or declaring a drought emergency; and

**WHEREAS**, on September 23, 2014, the City of Hawthorne held a public hearing and made appropriate findings of necessity for the adoption of a water conservation program

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hawthorne, as follows:

**Section 1.** The Hawthorne Municipal Code is amended by adding Chapter 8.60 to Title 8 as follows:

**Chapter 8.60 Water Conservation Program**

**8.60.010 Short Title.**

This chapter shall be known as the "Water Conservation Ordinance" of the City.

**8.60.020 Purpose**

This chapter is enacted for the purpose of conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought in order to protect and preserve public health, safety and welfare.

**8.60.021 Contingent Enforcement**

These regulations are to be implemented upon resolution proclaiming or declaring a local drought emergency and shall remain in effect for the duration of the emergency or until repeal of this ordinance.

**8.60.022 Water Use Restrictions**

- a. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
- b. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non- targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- c. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.
- d. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

e. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

f. Use re-circulated water to operate ornamental fountains.

g. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

h. Serve and refill water in restaurants and other food service establishments only upon request.

i. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

j. Repair all water leaks within five (5) days of notification by the City of Hawthorne unless other arrangements are made with the Code Enforcement Department.

k. Use recycled or non-potable water for construction purposes when available.

#### **8.60.023 Penalties**

Pursuant to Water Code section 377 it is unlawful for any person to violate any provision or to fail to comply with any of the requirements of the Water Conservation Program. Any person who shall violate or fail to comply with any provision or requirement of this chapter shall be guilty of a misdemeanor punishable by up to 30 days in county jail and/or a fine of up to \$500.

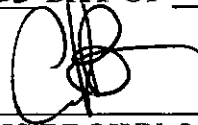
**SECTION 2.** If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provision of this Ordinance are declared to be severable.

**SECTION 3.** The City Attorney is authorized to make any non-substantive or clerical changes to this ordinance.

**SECTION 4.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Hawthorne, or if there is none, she shall cause it to be posted in at least three public places in the City of Hawthorne, California. The City Clerk is also directed to

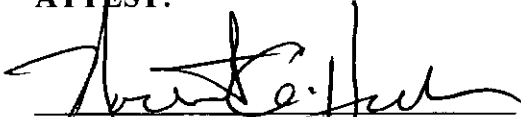
forward a copy of Ordinance No. 7080 to Quality Code Publishing, 2100 Westlake Ave. N. Suite 106, Seattle, WA 98109.

PASSED, APPROVED AND ADOPTED THIS 23<sup>rd</sup> DAY OF September,  
2014.



CHRIS BROWN, Mayor  
City of Hawthorne, California

ATTEST:



NORBERT A HUBER, City Clerk  
City of Hawthorne, California

APPROVED AS TO FORM:



RUSSELL I MIYAHIRA, City Attorney  
City of Hawthorne, California

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES) §  
CITY OF HAWTHORNE     )


I, **Monica Dicrisci**, the duly appointed Deputy City Clerk of the City of Hawthorne, California, **DO HEREBY CERTIFY** that the foregoing Ordinance, No. 2080 was duly adopted by the City Council of the City of Hawthorne, at their regular meeting of the City Council held **September 23, 2014** and that it was adopted by the following vote, to wit:

AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas, Mayor Brown.

NOES: None.

ABSTAIN: None.

ABSENT: None.

  
\_\_\_\_\_  
Deputy City Clerk  
City of Hawthorne, California

**RESOLUTION NO. 7657**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF HAWTHORNE, CALIFORNIA DECLARING A  
DROUGHT EMERGENCY**

**WHEREAS**, in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

**WHEREAS**, with this regulation, all Californians will be expected to stop: washing down driveways and sidewalks; watering of outdoor landscapes that cause excess runoff; using a hose to wash a motor vehicle, unless the hose is fitted with a shut-off nozzle, and using potable water in a fountain or decorative water feature, unless the water is recirculated. The regulation makes an exception for health and safety circumstances: and

**WHEREAS**, many communities and water suppliers have taken bold steps over the years and in this year to reduce water use; however, many have not and much more can and should be done statewide and in the City of Hawthorne to extend diminishing water supplies; and

**WHEREAS**, on September 23, 2014 a Public Hearing was held in the City Council Chambers, 4455 West 126<sup>th</sup> Street, Hawthorne, California, 90250 considering all protests or objections to Ordinance No. 2080, Adding Chapter 8.60 to the Hawthorne Municipal Code Adopting a Water Conservation Program; and

**WHEREAS**, on September 23, 2014 Ordinance No. 2080 Adopting a Water Conservation Program was adopted; and

**WHEREAS**, Section 8.60.021 of Ordinance No. 2080 states that Chapter 8.60 of the Water Conservation Program “are to implemented upon resolution proclaiming or declaring a local drought emergency and shall remain in effect for the duration of the emergency or until repeal of this ordinance.”

**WHEREAS**, the declaration of a drought emergency is a finding of necessity as defined in California Water code section 375 et. seq. and empowers the City of Hawthorne to enforce its adopted water conservation program.

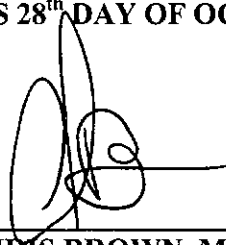
**NOW, THEREFORE, CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA**, hereby resolves as follows:

**SECTION 1.** The City Council of the City of Hawthorne hereby incorporates by reference all the recitals herein.

**SECTION 2.** The City Council of the City of Hawthorne hereby declares a drought emergency pursuant to Section 8.60.021 of Ordinance No. 2080 and directs the Public Works Director to implement Stage II of the Water Shortage Contingency Plan provisions as outlined in the City's Urban Water Management Plan adopted in 2010.

**SECTION 3.** This Resolution shall take effect immediately upon its adoption by the City Council and the Clerk of the Council shall attest to and certify the vote adopting the Resolution.

PASSED, APPROVED AND ADOPTED THIS 28<sup>th</sup> DAY OF OCTOBER, 2014.



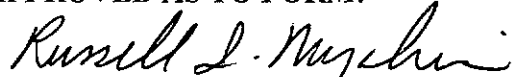
\_\_\_\_\_  
CHRIS BROWN, Mayor  
City of Hawthorne, California

ATTEST:



\_\_\_\_\_  
NORBERT HUBER, City Clerk  
City of Hawthorne, California

APPROVED AS TO FORM: -



\_\_\_\_\_  
RUSSELL I. MIYAHIRA, City Attorney  
City of Hawthorne, California



STATE OF CALIFORNIA    )  
COUNTY OF LOS ANGELES) §  
CITY OF HAWTHORNE    )

I, **Monica Dicrisci**, the duly appointed Deputy City Clerk of the City of Hawthorne, California, **DO HEREBY CERTIFY** that the foregoing Resolution, being Resolution No. 7657 as duly adopted by the City Council of the City of Hawthorne, at the regular meeting of the City Council held **October 28, 2014** and that it was adopted by the following vote, to wit:

AYES: Councilmembers Reyes English, Michelin, Vargas, Valentine, Mayor Brown.

NOES: None.

ABSTAIN: None.

ABSENT: None.

  
\_\_\_\_\_  
Deputy City Clerk  
City of Hawthorne, California